

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI NORTHERN DIVISION

BEVERLY DENNIS
V.

PLAINTIFF

CIVIL ACTION NO.



DR. MICHEAL LIVINGSTON in his official capacity and
individually; THE DOCTORS COMPANY INSURANCE
and CJJ GROUP LIMITED PARTNERS;
MICHAEL LIVINGSTON SERVICES INC.
and OB/GYN ASSOCIATES PLLC

3:17-cv-1003 HSO-LRA

DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

Beverly Dennis, herein after "Dennis" by and through their attorney of record, hereby files this Complaint against the Defendants, and in support thereof would show unto the Court, the following to-wit:

JURISDICTION AND VENUE

1. The defendants in this action deliberately, grossly negligently, and maliciously caused Physical harm, severe mental harm, and gross emotional distress to Plaintiff, Beverly Dennis causing her a dimensioning quality of life when Doctor Michael Livingston intentional prescribed controlled substances to Plaintiff over an extended period of time.
2. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. Section 1332 Diversity of Citizenship amount in Controversy; Moreover, this Court has Supplemental Jurisdiction over the state claims pursuant to 28 U.S.C. Section 1367.
3. Venue is proper pursuant to 28 U.S.C. Section 1391 (b)(2); stating a substantial part of the events or omissions giving rise to the acts complained of by Plaintiff, Dennis occurred in the Southern District of Mississippi, Northern Division.

4. The State Claims of Negligence, Intentional Infliction of Emotional Distress, Fraud, Misrepresentation, Duty to disclose risk of treatment, and Fiduciary Duty of Professionals, Improper treatment and failure to warn a patient of known risk are Tort Claims brought under this Court Supplemental Jurisdiction pursuant to 28 U.S.C. Section 1367.

5. **PARTIES TO THE COMPLAINT**

6. Plaintiff, Beverly Dennis, is an african-American female adult resident citizen of Hinds County, Mississippi.
7. Defendant, Dr. Michael Livingston in his official capacity and individually, is an African-American male resident of Clinton, Mississippi. He may be served with process at 501 Marshall street Suite 406, Jackson, MS 39202 or the alternative is 2 Oakwood Glen Dr. Clinton, Mississippi 39056. Or the alternative, we will also serve Walter Johnson, of Watkins and Eager Capitol street.
8. Defendant, The Doctors Company a foreign corporation, located 185 Greenwood Road, Napa, CA 94558. Their registered agent is CORPORATION SERVICE COMPANY 5760 I-55 North, Suite 150 Jackson, Mississippi 39211.
9. Defendant, CJJ Group Limited Partners is a Limited Partnership located at 501 Marhall street No. 406 Jackson, Mississippi 39202. They may be served process through their registered agent is Michael Livingston 401 Marshall street No. 406. Jackson, Mississippi 39202.
10. Defendant, Michael Livingston Services Incorporated is a Profit Corporation located 2 Oakwood Glen Drive Clinton, Mississippi 39056. Their registered agent is Michael C. Livingston 2 Oakwood Glen Drive Clinton, Mississippi 39056.

11. Defendant, OB/GYN Associates PLLC. is a Mississippi company located at 501 Marshall street Suite 400 Jackson, Mississippi 39202. Their registered agent is Michael Livingston at 501 Marshall Street No. 406 Jackson, Mississippi 39202.

EXHAUSTION OF STATE STATUTE MS Code Section 15-1-36

12. All condition precedent to jurisdiction is pursuant to Mississippi Code Section 15-1-36 Notice of Intent to Sue, have been complied with by the Plaintiff to wit: Attached is a copy of the Notice of Intent to Sue letter dated Monday October 9, 2017 that was hand delivered to Dr. Michael Livingston, and accepted by the same.

STATEMENTS OF FACTS:

13. Plaintiff, Beverly Dennis worked as a housekeeper, caretaker of children, nanny, maid, laundresses, cook, et.al.

14. As it would be, at or near the month of April, 2015, Plaintiff Dennis, called one of her doctors, Defendant, Dr. Michael Livingston at his medical clinic, OB/GYN ASSOCIATES PLLC, with a desire to loss weight. At that point, Dr. Micheal Livingston, while performing medical diagnosis from his medical clinic OB/GYN Associates PLLC, prescribed Phentermine tablets (a weight loss drug) to help Plaintiff Dennis lose weight.(Exhibit A). Dr. Livingston continue to prescribe this drug to Plaintiff through November, 2016 according to (Exhibit A).

15. Soon after the weight loss drug being perscribed, by Defendant, Dr. Michael Livingston, Plaintiff Dennis, on or near November, 2015, called Dr. Michael Livingston at the OB/GYN Associates PLLC, again complaining of back pain and the location of that back pain that she was experiencing. As a result, Dr. Michael Livingston(from the OB/GYN Associates PLLC, prescribed the following: Hydrocodone.

16. Dr. Michael Livingston, in or near March, 2016, began destructive path of prescribing Hydrocodone and then Oxycodone beginning in May, 2016 along with Phentermine.

Additionally, Dr. Livingston, prescribed Oxycodone in July, 2016 without verifying with the Prescription Monitoring Website, which would have revealed to him that Dr. Joyce Wade Hamme prescribed Hydrocodone in the same month, July, 2016 Exhibit. A. It bares noting that Dr. Joyce Wade Hamme was the doctor that introduced Plaintiff to Defendant Dr. Michael Livingston.

17. This negligent conduct of prescribing Plaintiff, Dennis these highly addictive controlled substance drugs continued by Defendant, Dr. Michael Livingston through December, 2016. In fact, Defendant, Dr. Michael Livingston, in his professional capacity prescribed (60) tablets of Oxycodone in September, 2016, (it is believe that a responsible doctor will only prescribe 30 tablets a one time), and (30) tablets of Hydrocodone November, 2016, along with (30) Phentermine tablets.

18. Upon information and belief, Exhibit A, Defendant, Dr. Micheal Livingston should have known that prescribing these two drugs along with the Oxycodone, which she already had in her possession was a drug cocktail and thereby dangerous combination. As such, Plaintiff, Dennis became addicted to the above controlled substances because Defendant Dr. Micheal Livingston continued prescribing these addictive drugs to her over a long period of time.

19. As a result of the foregoing, Defendant Dr. Michael Livingston provided to Plaintiff a copy of his medical liability insurance. Defendant, The Doctors Company, as a blatant admission that was the cause of Plaintiff Dennis's Opioid Addiction when he provided a copy of his declaration page of his medical insurance policy. As such, The Doctors Company has been noticed that their

insured, Dr. Micheal Livingston had injured Plaintiff Beverly Dennis and must be party to this action. Because Defendant, Dr. Michael Livingston stated that Defendant, The Doctors Company would remedy Plaintiff. However, once Plaintiff contacted Defendant, The Doctors Company, this Defendant stated that they are aware of this claim but they have not attempted to make Plaintiff Dennis whole.

20. Plaintiff asserts that Defendant Micheal Livingston Services Inc. and Defendant CJJ Group Limited Partners are ghost companies of Defendant Dr. Michael Livingston to shield behind as a Doctor whenever it is convenient for him. As such, Plaintiff Dennis believes that Dr. Michael Livingston is intentionally attempting to shield his responsibility as a licensed Mississippi medical doctor and commit possibly illegal activities such as leaving patients on controlled drugs for extensive period of time all while in the hope of not being held accountable for his bad conduct civilly nor criminally.

21. As a result of Plaintiff's harm , Plaintiff around March, 2016 went to Family Medical Clinic in Southaven, Mississippi. complaining of insomnia, among other things, is believed to be one of the causes of Plaintiff's addiction injuries due to Defendants Dr. Micheal Livingston, The Doctors Company, CJJ Group Limited Partners, Michael Livingston Services Inc, OB/GYN Associates PLLC, and The Doctors Company.

22. Plaintiff contends that since Defendant Dr. Micheal Livingston, The Doctors Company, CJJ Group Limited Partners, Michael Livingston Services Inc, OB/GYN Associates PLLC have not to this day attempted to make Plaintiff whole. Currently, all Defendants are continuing this negligent conduct.

23. Plaintiff, asserts, that as a result of the addiction to these controlled drugs, Plaintiff has had a severe mental and physical suffering, financial and economic deprivation and severe emotional distress.

CAUSE OF ACTION

23. Plaintiff Dennis repeats and re-alleges paragraphs 1-22 of the Complaint as as is set out herein full.

Defendants Dr. Micheal Livingston, and as an individual, The Doctors Company Insurance, CJJ Group Limited Partners and OB/GYN Associates PLLC. are liable to Plaintiff Dennis for grossly negligently prescribing several addictive controlled substances namely Oxycodone, Hydrocodone and Phentermine for a long time period without reasonably monitoring Plaintiff health while continuing to prescribe these Opioids.

24. At all relevant times to this action, Plaintiff Dennis was told by her Doctor, Dr. Micheal Livingston, that he would prescribe to her these drug cocktails that will eliminate her pain. However, Defendant Micheal Livingston, never decreased Plaintiff Dennis's dosage of any of these addictive controlled substances nor did he warn Plaintiff that extended time usage would cause her to become an addict addicted to Opioids.

25. As a result of addiction to these dangerous controlled substance, provided by Defendants, Plaintiff Dennis suffers from Depression, Anxiety, Insomnia, Muscle aches, Headaches, Abdominal cramping, Extreme sweating, Tremors, Shakiness, Brain fog, and Suicidal ideations.

26. As such, Defendants are liable to Plaintiff Dennis for negligently causing Plaintiff's addiction to the foregoing drugs through, Intentional Infliction of Emotional Distress, Fraud,

Misrepresentation, Duty to disclose risk of treatment, and Fiduciary Duty of Professionals, Improper treatment and failure to warn a patient of known risk.

27. Therefore,, Defendants conduct of Negligence, causing Plaintiff's addiction to the controlled drugs as he prescribed has shown that Defendant committed Intentional Infliction of Emotional Distress, Fraud, Misrepresentation, Duty to disclose risk of treatment, and Fiduciary Duty of Medical Professionals, Improper treatment and failure to warn a patient of known risk, and was negligent, threatening, callous, wanton, willful, malicious, intentional and showed reckless disregard for Plaintiff Dennis's health and life.(The State of Mississippi has an increase of deaths due to Opioid, pain killers addiction).

DAMAGES

28. Plaintiff Dennis repeats and re-alleges paragraphs 1-27 of the Complaint as as is set out herein full.

29. a consequence of the foregoing misconduct of all Defendant, Plaintiff Dennis, sustained intentional infliction of emotional distress, embarrassment, humiliation, Depression, Anxiety, Insomnia, Muscle aches, Abdominal cramping, Extreme sweating, Tremors, Shakiness, Brain fog, and Suicidal ideations.

30. As a consequence of the foregoing misconduct of the Defendants, Plaintiff Dennis has been damaged in an amount exceeding the jurisdictional requirements of this court.

PRAYER FOR RELIEF

31.Plaintiff Dennis repeats and re-alleges paragraphs 1-30 of the Complaint as as is set out herein full.

32. Plaintiff requests that the Court issue the following relief:

a. Award Plaintiff Beverly Dennis actual damages, Compensatory Damages, Consequential Damages, Discretionary Damages, Excess Damages, Future Damages, and Punitive Damages.

b. Award Plaintiff Dennis attorney fees, cost and expenses of litigation and jury trial.

WHEREFORE PREMISES CONSIDERED, Plaintiff Dennis respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the stated relief in an amount to be determined by the jury. Plaintiff further respectfully demands judgment against all Defendants in an amount exceeding the jurisdictional requirements of this Court, all together with the costs and disbursement action, including attorney's fees, plus interest, and corny other relief which this honorable Court deems just and proper.

RESPECTFULLY SUBMITTED THIS, 12th day of December, 2017

Plaintiff Beverly Dennis

BY: /s/Abby Robinson (MBN.105157)

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